

CONTINENTAL INSURANCE COMPANY,)	AGBCA No. 2000-134-F
CIMARRON CROP INSURANCE SERVICES, INC.,)	AGBCA No. 2000-135-F
and)	
FARMERS ALL-RISK CROP INSURANCE)	AGBCA No. 2000-136-F
AGENCY, INC.,)	
(Compliance Cases DA-CI00-744, DA-CR00-746))	
)	
Appellants)	
)	
Representing the Appellants:)	
)	
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)	
Representing the Government:)	
)	
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DECISION OF THE BOARD OF CONTRACT APPEALS

August 1, 2005

Before POLLACK, VERGILIO, and WESTBROOK, Administrative Judges.

Opinion for the Board by Administrative Judge VERGILIO.

On February 25, 2000, the Board received a notice of appeal from Continental Insurance Company of Overland Park, Kansas (docketed as AGBCA No. 2000-134-F), Cimarron Crop Insurance Services, Inc. of Cimarron, Kansas (docketed as AGBCA No. 2000-135-F), and Farmers All-Risk Crop Insurance Agency, Inc. of Overland Park, Kansas (docketed as AGBCA No. 2000-136-F). The notice of appeal identifies the dispute as arising under a Standard Reinsurance Agreement (SRA) in

two compliance cases, numbers DA-CI00-744 and DA-CR00-746, involving a total of 112 policies, for the 1995 crop year in Texas (the Coastal Bend area) for three crops (cotton, grain sorghum, and corn). The insurance companies contest the determination of the Deputy Administrator for Compliance of the Risk Management Agency (RMA), contained in a letter dated December 7, 1999, that the insurance companies are indebted to the Government for indemnity overpayments (less underpayments) on all policies at issue, in the total amount of \$2,264,201. In particular, the insurance companies take issue with the Government's conclusions that the insurance companies conducted appraisals utilizing methodologies contrary to approved practices and procedures, and that by paying indemnities when insureds planted acreage to different crops, instead of replanting to the initially insured crops, the insurance companies failed to abide by approved practices and procedures.

Regulation authorizes the Board to resolve these timely-filed matters. 7 CFR 24.4(b), 400.169(b), (d). Following the submission of the appeal file, complaint, and answer, while the parties were engaged in discovery, the Government submitted a motion and brief (including exhibits) in support of summary judgment. The insurance companies filed and served a response in opposition, to which the Government submitted a reply, to which the insurance companies submitted a rebuttal. While the motion was pending, the parties engaged in successful settlement discussions. On July 29, 2005, the Board received a stipulation of dismissal with prejudice executed by the parties.

DECISION

In accordance with the request of the parties, these matters are dismissed with prejudice.

JOSEPH A. VERGILIO

Administrative Judge

Concurring:

HOWARD A. POLLACK

Administrative Judge

ANNE W. WESTBROOK

Administrative Judge

Issued at Washington, D.C.

August 1, 2005